

November 28, 2006

VIA EMAIL and US MAIL

Rivals.com  
P.O. Box 1604  
Brentwood, TN 37024-1604  
Attn: General Counsel

Re: Infringement of Fan Action, Inc. Trademark and Unfair Competition  
Our Reference No. 42743-103551

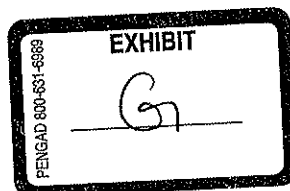
Dear Sir/Madam:

We are intellectual property litigation counsel to Fan Action, Inc. ("Fan Action"), the publisher of *Blue & Gold Illustrated*. Fan Action has recently discovered that Rivals.com is infringing Fan Action's trademark rights and engaging in other practices of unfair competition.

As Rivals.com undoubtedly knows from its prior relationship with Fan Action, Fan Action has been an established publisher of news and events related to Notre Dame sports. Fan Action, in its business, has used and continues to use the trademark AMERICA'S FOREMOST AUTHORITY ON FIGHTING IRISH FOOTBALL (the "Fan Action Trademark"). The Fan Action Trademark has been in use in connection with the publication of the *Blue and Gold Illustrated* newspaper since at least as early as \_\_\_\_\_. Through this long-standing and continuous use, Fan Action has built up substantial goodwill in the Fan Action Trademark. The Fan Action Trademark is an invaluable asset to Fan Action.

We have recently found that Rivals.com is using the slogan AMERICA'S FOREMOST AUTHORITY ON NOTRE DAME FOOTBALL for its competing publication. This slogan is highly similar to the Fan Action Trademark. The only difference between the two marks is the identifying noun for Notre Dame University and its sports teams. The use of this slogan by Rivals.com is likely to cause confusion, mistake and deception in the mind of consumers and amounts to trademark infringement and unfair competition and falsely implies that Rivals.com is somehow affiliated with, sponsored or endorsed by Fan Action.

Furthermore, it appears from this action and other actions of Rivals.com and the intimate knowledge that Rivals.com and its staff has regarding Fan Action, that the selection of this slogan was and is intended to deliberately trade upon the goodwill of Fan Action.



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We have also found that you have advertised your employee Tim Prister as being a "founder" of Fan Action and its *Blue and Gold* publications and website. As you know, this is a false statement. Mr. Prister was an employee of Fan Action and not a founder of Fan Action or any of its *Blue and Gold* publications and websites. Rivals.com is apparently making this statement in an attempt to once again pass itself off as Fan Action.

Given the egregious nature of Rivals.com's conduct, Fan Action demands that Rivals.com immediately:

1. cease and desist any and all use of the AMERICA'S FOREMOST AUTHORITY ON NOTRE DAME FOOTBALL slogan;

2. cease and desist representing in any fashion or manner whatsoever that Mr. Prister was or is a founder of Fan Action or any of its *Blue and Gold* publications or websites.

Because this matter is of considerable importance to Fan Action, we need your response to these demands by no later close of business on December \_\_, 2006.

This letter is not intended to be and should not be construed as a waiver of any claims or demands that Fan Action has against Rivals.com and Mr. Prister for these actions or any other actions. Fan Action reserves its rights against both Mr. Prister and Rivals.com for any unauthorized use of its intellectual property.

Very truly yours,

BARNES & THORNBURG LLP

Melissa A. Vallone

MAV/dlp

cc: Peter G. Trybula, Esq.  
Ms. Michelle Hamilton